

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

**KADEJAH TOWNES and  
PATRINA FINLEY**  
Plaintiffs

v.

Civil Action No.:

**CITY OF MEMPHIS, MIKE  
RALLINGS, in his official capacity  
as the former Police Director of the  
Memphis Police Department, OFFICER  
ALEXIS BROWN, Individually and in  
her official capacity as a former Police  
Officer of the Memphis Police Department**  
Defendants

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**COMPLAINT**  
(Jury Trial Demanded)

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COME NOW the Plaintiffs, Kadejah Townes and Patrina Finley, by and through their undersigned attorneys, allege the following causes of action against Defendants, to-wit:

1. An action for racial discrimination for damages pursuant to 42 U.S.C. §1981 and 42 U.S.C. 2000(a) within the jurisdictional limits of this Court and exceeding the sum of \$75,000.00, exclusive of attorneys' fees, cost and interest against the herein named defendants.

**PARTIES**

2. At all times material hereto, Defendants City of Memphis (the "City") is a municipality, duly incorporated under the laws of the State of Tennessee and as such is a political subdivision of the State of Tennessee and, among its other functions, operates and maintains a law enforcement agency known as the Memphis

Police Department. The City of Memphis is under a duty to operate its policing activities in a lawful manner so as to preserve the peace of the City of Memphis and the rights, privileges, and immunities guaranteed and secured to them by the constitutions and the laws of the United States and/or the State of Tennessee. Such municipality is subject to suit pursuant to 42 U.S.C. §1981. The City of Memphis may be served with this Complaint by serving Jennifer A. Sink, Chief Legal Officer, at 125 N. Main Street, Room 336, Memphis, TN 38103.

3. Defendant Mike Rallings (“Defendant Rallings”) is an adult resident citizen of Memphis, Tennessee. At all times pertinent hereto, Defendant Mike Rallings was the Police Director for the Memphis Police Department. Defendant Rallings was responsible for the day-to-day operation of the Memphis Police Department and was the final policymaker with respect to law enforcement operations for the City of Memphis at all times relevant to this action. Defendant Rallings was under a duty to operate the policing activities of the Memphis Police Department so as to preserve not only the peace of the City of Memphis but also to protect its citizens, and to preserve their rights, privileges, and immunities guaranteed and secured to them by the constitutions and the laws of the United States and/or the State of Tennessee. Plaintiffs are bringing this action against Defendant Rallings in his official capacity as Police Director of the Memphis Police Department. He may be served with process at 201 Poplar Avenue, Memphis, TN 38103 or alternative at his residence.
4. Defendant Alexis Brown (“Officer Brown” or “Defendant Brown”) is upon information and belief, an adult resident citizen of the State of Texas. At all times pertinent hereto, Defendant Brown was an employee and officer with the Memphis

Police Department, acting under the color of state law and within the course and scope of her employment with the Memphis Police Department. Plaintiffs are bringing this action against Defendant Brown in both individual capacity and in her official capacity as an officer for the Memphis Police Department.

5. Plaintiffs include two African American females. At all times material hereto, Plaintiff Kadejah Townes was an adult resident citizen of Shelby County, TN and Patrina Finley was an adult resident citizen of Montgomery County, TN.

#### JURISDICTION AND VENUE

6. The Court has general in personam and, alternatively, specific in personam jurisdiction over the defendants herein and subject matter jurisdiction pursuant to 28 U.S.C. §1332. The amount in controversy exceeds the sum of \$75,000.00, exclusive of attorneys' fees, cost and interest against the herin named defendants.
7. This action also arises under federal statutes 42 U.S.C. § 1981 and 42 U.S.C. §2000 (a) within the jurisdictional limits of this Court.
8. Venue is proper in the Western District of Tennessee pursuant to 28 U.S.C. § 1391 (b)(2) because the events giving rise to this complaint occurred there within.

#### STATEMENT OF FACTS

9. At all times relevant herein, Defendant Rallings was the acting Police Director at the time of the subject incident. At all times relevant herein, Defendant Brown was the principal officer engaged in the subject incident.
10. That on or about February 21, 2021, the Plaintiffs, two African American females, sought service at the local Red Box, outside of the Walgreens located at 5900 Knight Arnold Road.

11. While at the Red Box to return and retrieve a new movie, three to four officers pulled up and rushed inside of the Walgreens. Plaintiffs had no knowledge as to why the officers were present at the Walgreens.
12. Shortly thereafter, two male officers (one black & one white) exited the Walgreens. The black officer approached Plaintiffs' vehicle (on Townes' side), asking if she had heard any shooting or if she knew of someone getting shot in the area.
13. At the same time, the male white officer with glasses approached Plaintiffs' vehicle (on Finley's side), asking if she had heard any shooting or if she knew of someone getting shot. Plaintiffs replied no, and the officers walked away.
14. As a result, Plaintiffs began to leave the Walgreens' parking lot.
15. Plaintiffs did not make it far before they were pulled over by a white female officer, Defendant Brown, and her partner (a white male).
16. Defendant Brown approached the passenger side of the Plaintiff's vehicle, where Plaintiff Townes was positioned, and instructed Townes to let the window down.
17. Plaintiff Townes complied. Defendant Brown then told Plaintiff Townes that needed her ID because the Plaintiffs were laughing.
18. Plaintiff Townes began to explain to Defendant Brown that she had already spoken to another officer and informed him that she had not heard any shots nor was she aware of any prank calls.
19. Defendant Brown ignored Plaintiff Townes and restated "y'all over here laughing, I need to see your ID. As a matter of fact, get out of the car."
20. Plaintiff Townes refused, and Defendant Brown began to stick her hand inside of the Plaintiffs' vehicle to unlock the door and open it.

21. Plaintiff Townes opened the door and exited the vehicle, all while stating her innocence.
22. Defendant Brown, intentionally, maliciously, and with excessive force, snatched Plaintiff Townes' right shoulder, resulting in her right shoulder dislocation.
23. Plaintiff Townes notified Defendant Brown that she needed medical assistance due to her shoulder dislocation, but Defendant Brown and two other officers assisted her to handcuff Townes.
24. Defendant Brown approached Plaintiff Finley, handcuffed her, and placed her in the back of the squad car. Plaintiff Finley was later released, but Plaintiff Townes remained under arrest.
25. Plaintiff Townes received medical treatment at Regional One and released. Plaintiff Townes was then transported to Jail East by Defendant Brown and Officer Pulliam, where she was denied entrance. Thereafter, the officers took her home.
26. Plaintiffs state that the officers, specifically Defendant Brown, never told them why they were being stopped.
27. When Plaintiff Finley followed behind the squad car, she was stopped once more by Defendant Brown at Halle Stadium. At this time, she was taken into custody and transported to Jail East.

**COUNT I**  
**(Violation of 42 U.S.C. §2000 (a))**

28. The Plaintiffs re-allege and adopt by reference all of the allegations contained in the foregoing paragraphs 1-26, and further allege:

29. The City is at all times mentioned herein has been a political subdivision within the meaning of 42 U.S.C. § 2000a. At least part of the motivation for the above-described conduct by defendant City's employees and agents was the Plaintiffs' race.
30. But for Defendants' discriminatory practices described above, Plaintiffs could, and would not have been physically and mentally injured. Plaintiffs are now terrified of the Memphis Police Department and have experienced post-traumatic stress disorder as a result of the subject incident.
31. Plaintiffs also attempted to avail themselves of the full benefits and enjoyment of a public accommodation, but Defendants denied them, on account of their race, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, on the basis of race, in violation of 42 U.S.C. § 2000a. Similarly situated white individuals were allowed to go retrieve a movie rental and laugh amongst each other without fear of arrest.
32. The above-described conduct violates 42 U.S.C. § 2000a, which prohibits discrimination by agents of a political subdivision and in places of public accommodation on account of race. Plaintiffs were effectively denied the full and equal enjoyment of goods, services, facilities, privileges, advantages, and accommodations of public parking lot on the basis of race, in violation of 42 U.S.C. § 2000a.
33. The conduct of Defendants constitutes a pattern or practice of resistance to the full and equal enjoyment by African-American persons of rights secured by 42 U.S.C. § 2000a et seq., and the pattern or practice is of such a nature and is intended to deny the full exercise of such rights.

34. Unless restrained by Order of this Court, the Defendants will continue to refuse to provide African-American persons with the full and equal enjoyment of rights secured to them by 42 U.S.C. § 2000a et seq.

35. Plaintiffs are entitled to injunctive relief, along with costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 2000a.

**COUNT II**  
**(Violation of 42 U.S.C. §1981 and 1981 (b))**  
**RACIAL PROFILING**

36. The Plaintiffs re-allege and adopt by reference all of the allegations contained in the foregoing paragraphs 1-26, and further alleges:

37. At all times material to this action, Plaintiffs, while seeking to return and return a new movie rental from the local RedBox outside of the Walgreens on Knight Arnold Road, presented themselves in a fit an proper manner, both in terms of dress and conduct, and attempted to afford themselves the full benefits and enjoyment of the public accommodation.

38. Defendants did not provide Plaintiffs, while seeking a movie rental on the same basis as similarly situated white RedBox patrons, treated the Plaintiffs with such racial animus as to amount to an outright violation of civil rights with the use of excessive force.

39. At all times relevant to the events described herein, officers, directors, and other employees were acting (both apparently and in fact) within the scope of their employment and were acting (both apparently and in fact) in their capacities as employees, agents, and/or representatives of the Defendant City.

40. The discriminatory practices described herein were carried out under the Defendants' direction, authority, control, and supervision, and with the Defendants' consent, encouragement, knowledge, and ratification.
41. The above-described conduct violates 42 U.S.C. § 1981, which prohibits interference with the right to make and enforce contracts on account of race and implicitly prohibits racial profiling. At least part of motivation for the above-described conduct by Defendant City's employees and agents was the Plaintiffs' race.
42. All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. 42 U.S.C. §1981a.
43. As a proximate result of the Defendants' actions, Plaintiffs have suffered, continue to suffer, and will in the future suffer great and irreparable loss and injury including, but not limited to, humiliation, embarrassment, emotional distress, mental anguish, and physical injuries.
44. As a result of the above-described discrimination, Plaintiffs each suffered feelings of racial stigmatization, and continue to suffer, and will in the future suffer from feelings of racial stigmatization.
45. Plaintiffs are entitled to costs and reasonable attorney fees pursuant to 42 U.S.C. § 1988.



**COUNT III**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

46. Defendants owed a reasonable duty to the Plaintiffs to exercise good faith and fair dealing in handling Plaintiffs' complaints about the law enforcement services where officers are required to publicly accommodate all citizens regardless of race, color, religion, or national origin. Defendants failed to exercise good faith and fair dealing with Plaintiffs' by pulling over and arresting the Plaintiffs for minding their business and laughing amongst each other, then using false assertions about prank calls and physical force to remove Plaintiff Townes from the Plaintiffs' vehicle.
47. Plaintiffs maintain the Defendant City's conduct by and through their employees rose to the level of outrageous conduct witnessed by others that caused public embarrassment and humiliation of Plaintiffs as well as physical injuries, entitling them to compensatory damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray that the Court grant them relief as follows:

- (a) Enter a declaratory judgment finding that the actions of the Defendants as alleged in this Complaint violated 42 U.S.C. §§ 1981 and 2000a;
- (b) Enter a permanent injunction barring the Defendants from continuing to engage in illegal discriminatory conduct against Plaintiffs and other African-Americans who might be in similar circumstances in the future;
- (c) Enter a permanent injunction directing that Defendants take all affirmative steps necessary to remedy the effects of the illegally discriminatory conduct alleged in this Complaint and to prevent repeated occurrences in the future;

(d) Award compensatory damages in an amount of \$500,000.00 for each Plaintiff or other amount that would fully compensate Plaintiffs for their damages, including but not limited to their physical injuries, humiliation, embarrassment, emotional distress, and mental anguish caused by Defendants' violations of the law, as alleged in this Complaint;

(e) Award punitive damages to Plaintiffs in an amount sufficient to punish Defendants for the intentional, malicious, callous, bad faith, willful, wanton, and reckless misconduct alleged in this Complaint and that would effectively deter Defendants from future discriminatory behavior;

(f) Award Plaintiffs their attorneys' fees and costs; and

(g) Order such other and further relief as the Court deems just and equitable.

RESPECTFULLY SUBMITTED, this the 24<sup>th</sup> day of October, 2023.

**KADEJAH TOWNES and PATRINA FINELY,  
Plaintiffs**

By: s/ Carlos E. Moore  
**Carlos E. Moore, MSB# 100685**

OF COUNSEL:

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